IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9150 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHAKEEL HANIF SAIYED - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR MM TIRMIZI for Petitioner(s) : 1,
MR AY KOGJE, AGP for Respondent(s) : 1,
RULE SERVED BY DS for Respondent(s) : 2,
UNSERVED-REFUSED (R) for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 03/05/2007

ORAL JUDGMENT

1. The petitioner has challenged legality of an order dated 23rd November, 2006 passed by the

Commissioner of Police, Ahmedabad City placing the petitioner under detention in exercise of powers under Sub-section(2) of Section 3 of the Gujarat Prevention of Anti-Social Activities Act, 1985(here-in-after referred to as “PASA”).

2. It is not in dispute that one another person named Vasim alias Jadiyo Babubhai Shaikh was also detained by the same authority on the very same grounds, came to be released by this Court by a judgement dated 8th March, 2007 passed in Special Civil Application No.2233/2007 by quashing the detention order.

3. Since admittedly, the grounds for detention and material against both the persons are common without giving elaborate reasons following the decision of Learned Single Judge of this Court, I find that present detention order also cannot be sustained. Same is therefore, quashed.

4. Since the detention order is quashed, the petitioner shall be released forthwith unless there is any other detention or criminal case pending against him.

5. The petition is disposed of. Rule made absolute. Direct service is permitted.

(Akil Kureshi,J.)

(raghu)